

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 47 of 2004

BAKHU KHAN
V/S
B.O.R. & ORS

Mr. HS SANDHU, for the petitioner

Mr. VARUN GOYAL (CAVEATOR), for the respondent

Date of Order : 8.9.2004

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the parties.

The Board of Revenue has confirmed the order of the Revenue Appellate Authority dt. 27.2.99 whereby the allotment of the petitioner made on 22.12.1988 was cancelled.

The contention of the petitioner is that the petitioner was allotted lands bearing Kila No. 7 to 24 and half land of Kila no. 25 of Murabba No. 46/8 in Chak 4 STM, and against this allotment appeal was filed by the private respondent, inter alia on the ground that the land allotted to the petitioner was not available for allotment to the petitioner because it was way back in the year 1976 that it had been allotted to private respondent, and as such the allotment is bad. It has been found by the authorities below that the petitioner was initially allotted land on temporary cultivation in Khasra No. 64 while the land in question is not a converted one of Khasra No. 64. The learned counsel for the petitioner, in these circumstances, submits that mention of Khasra No. 64 in his Temporary Cultivation was wrong, and he was in actual possession of land in Khasra No. 51/6, and therefore, in the year 1982 his temporary cultivation was renewed, and the land allotted to him in the year 1988 is the same which was renewed in the year 1982 being Khasra No. 51/6 which has been subsequently converted in Khasra No. 46/8.

Be that as it may. For the present purposes, the controversy

appears to be that the petitioner's allotment has been challenged on the ground that the land already stood allotted to the private respondent. In these circumstances, I examined the matter from that stand point, and during course of argument, learned counsel for the parties agreed that since even the land claimed to have been allotted to the private respondent does not include land of Kila no. 9, 10, 11, 12, 20 and half of Kila No. 25, which has been allotted to the petitioner. In that view of the matter, there was no occasion for setting aside the allotment of the petitioner with respect to these 5 ½ Kilas of land.

In that view of the matter, the writ petition is disposed of, partly modifying the order of the Board of Revenue, so also of Revenue Appellate Authority, in the manner that the cancellation of allotment of land to the petitioner, will not effect the petitioner's allotment with respect to Kila no. 9, 10, 11, 12, 20 and half land of Kila No. 25 as made vide Annexure-1.

(N P GUPTA), J.

/Sushil/